



PLANNING COMMISSION

MINUTES

November 10, 2010

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Berkley Mitchell, Secretary
Susan Spears
Ricardo Rigual
Edward Whelan, III
Shawn Lawrence

CITY STAFF

Ray Ocel, Director of Planning
Doug Fawcett, Director of Public Works
Kevin Utt, B&DS

1. CALL TO ORDER

The November 10, 2010 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- o October 27, 2010 – Approved/adopted as submitted.

PUBLIC HEARING ITEMS

4. **SUB2010-01 - Preliminary Subdivision Plat: Fredericksburg Park, LLC located off of Lafayette Boulevard.** Proposed new construction of an 88-lot single family cluster home subdivision to be located on a 28.8873 acre parcel off of Lafayette Boulevard just west of the Blue Gray Parkway near the entrance to the Battlefield Park. The property is located on Tax Map A15, Parcel P6 with 22.2880 acres Zoned R-4 and 6.5993 acres Zoned I-1 for a total of 28.8873 acres

Mr. Utt, presented the application. Mr. Fawcett was also present to answer questions of the Commission.

Mr. Utt said the application is for an 88-lot, single-family, cluster subdivision. He said this project may be constructed in two phases. He said the main changes that have been made since the original public hearing on this application on September 8th was the vehicular access. He said that following the Sept 8th public hearing, the applicant met with City staff to revise the design of the subdivision to provide two vehicular access points to the site. Russ Smith, representing the National Park Service, was also in attendance at the meeting.

The revised subdivision layout now includes a fully directional entrance on Lafayette Boulevard opposite the western most intersection of Lee Drive and Lafayette Boulevard. This proposed intersection provides for a dedicated right-turn lane into the site as well as a left turn lane into the site from Lafayette Boulevard. On site, the intersection will include three lanes; a single-entry lane, a dedicated right-turn lane exiting the site and a shared straight/left-turn lane.

In addition, a secondary entrance is proposed near the western limit of the project near St. Paul Street to provide a right-in, right-out access to the site for westbound traffic on Lafayette Boulevard. This intersection will be designed to prevent left turning movements into and out of the site.

The proposed street system is an interconnected style road system with two spurs, one ending in a cul-de-sac and one dead-ending near Alum Springs Road. The entrance to Alum Springs Road is a proposed connection and considered a future road improvement. This connection will be made when the Alum Springs Road intersection with Lafayette Boulevard is improved and is predicated upon the development of the balance of the property.

Kimley Horn and Associates was engaged as the traffic consultant to Welford Engineering to perform an analysis of the proposed intersection of the subdivision street with Lafayette Boulevard and they have confirmed that the design meets VDOT standards. Likewise, staff has reviewed the design of the proposed intersections and finds that they are acceptable and appropriate to accommodate the traffic generated by the proposed 88-single-family houses.

Mr. Utt said that the applicant has made revisions to the plan in response to the comments made by staff and the public at the first public hearing on September 8, 2010. He also said that the subdivision meets all applicable City Zoning and Subdivision Ordinance guidelines and, therefore, recommends approval.

Mr. Hunter Greenlaw, applicant, Fredericksburg, VA 22408, said that they have conducted at least five additional meetings since the original public hearing on this subdivision request and believe they have come up with the best aesthetically pleasing design as well as having addressed public and Commissioner concerns with regard to the traffic flow and entrances to the proposed subdivision.

Mr. Larry Welford, Welford Engineering, 4545 Empire Court, Fredericksburg, VA 22408, said they also addressed the concerns voiced by Mrs. Hoffman during the original public hearing. He said they have also provided a landscaping plan. Mr. Welford provided a chronological account of meetings they and staff have had to resolve any concerns or issues and believe the project is consistent with the JumpStart Plan, the Comprehensive Plan, etc.

Dr. Gratz asked if there had been any discussion on removing the "triangle-shaped" piece of property, exiting from Lee Drive, to allow for a 90 degree angle coming out of the property. He said that it seems obvious that changing that to a 90 degree intersection with a light and the entrance to the development across the road would solve a lot of problems.

Mr. Welford said since the property is historic that they will not have an opportunity to suggest removing that piece of property.

Mr. Russ Smith, Superintendent, for the Fredericksburg and Spotsylvania National Military Park, 120 Chatham Lane, Fredericksburg, VA 22405, read a letter that he then submitted to Chairman McAfee and Commission members to be included as part of the record (attachment A).

Mr. Matt Kelly, 1309 Hanover Street, Fredericksburg, VA 22404, said that he was part of the Historic Preservation Task Force along with members of the Planning Commission and believes this document must be taken into consideration. He said that more steps need to be taken to

ensure the least impact on our historic areas of the City. He said he believes no further action should be taken on this application until more input is received on alternative transportation issues. He said he believes an independent highway engineer would be better suited to determine all aspects of the transportation issues.

Mr. McAfee asked staff how much time the Commission has before it is required to action on this matter.

Mr. Ocel said the Ordinance allows up to 60 days from the date of the application. So, he said that since the "new" application was submitted on November 4, 2010, that Commissioners have until approximately January 4th to take action.

Mr. McAfee asked Mr. Ocel if he is prepared to address the issues the issue of compliance with the Historic Preservation document..

Mr. Ocel said he believes staff has addressed those issues since the September 8, 2010 public hearing on this item.

Mr. McAfee asked if FAMPO had been included in the meetings to discuss areas of concern relating to this application.

Mr. Ocel said FAMPO had not been included and that staff did not believe they needed FAMPO's input.

Mr. Mitchell said he had not heard directly how or why the 3rd version is not considered appropriate.

Mr. Smith said it is because Lee Drive is an historic drive. He said he also agrees with Mr. Kelly that an independent highway engineer should be consulted.

There being no further public comment on this item, Mr. McAfee closed the public hearing.

Mr. McAfee asked the Commission's desire on this issue. He added that the applicants and engineers have worked with everyone to this point and have a by-right use and believes they will continue to work with everyone involved to ensure the best possible plan.

Mr. McAfee asked Mr. Ocel if he believes it advantageous to put off a decision or to move forward.

Mr. Ocel said if the Planning Commission decides to defer a decision, he would like the Commission to provide specific questions that they desire the applicants to address.

Mr. Mitchell said that the proposed subdivision is a by-right use and respects the applicants for taking the time to address concerns of the public, Commissioners and the Park Service. He suggested that perhaps all those concerned get together one more time prior to making a final decision.

Mr. McAfee said that Mr. Rigual had said he would like to see Concept 3 to ensure that they have reviewed the appropriate documentation prior to making a recommendation.

Mr. Welford said the Commission has the correct concept in their packet.

Mr. Greenlaw noted that the plan before Commissioners is a "preliminary" plan, and that once approved, engineers have to come back before the Planning Commission with a "final" subdivision Plan, which will then also go before the City Council. He said he has no problem with continuing to meet with all concerned bodies to conduct a full study and work with the Park

Service.

Mr. Rigual said he has no problem with moving forward this evening but would like to address, in detail, the concerns and impact on the park service.

Mr. Lawrence said this is his first time seeing the plans and that he would like to know if it is possible to go out with staff to visit the site and get a first-hand look prior to making a recommendation.

Mr. McAfee asked if Mr. Lawrence was making a motion to recommend deferring a decision.

Mr. Lawrence said yes, he moved that the item be tabled until the first Planning Commission meeting in December, in order to allow additional time to review the application and conduct a site visit of the property.

Mr. Mitchell seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

5. **SUP2010-08 – St. Georges Episcopal Church:** Special Use permit request in order to operate a preschool in the St. Georges Episcopal Church located at 901 Princess Anne Street. The applicant proposes to offer classes for students ages 3 and 4 with a total enrollment of 16 Students between the hours of 9:00 a.m. and 12:00 p.m. The classrooms will be located in the lower level of the church. The property is zoned CD, Commercial Downtown and is designated as Downtown on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel presented the application. This is a request to approve a special use permit to operate a preschool within the St. George's Episcopal Church located at 905 Princess Anne Street. The applicant proposes to locate the school in the lower level of the Church. The property is zoned C-D, Commercial Downtown, is located at the corner of Princess Anne Street and George Street, and contains the existing church building and the cemetery located on Princess Anne Street. A public alley runs behind the building. The property is currently being used for services in the sanctuary and related uses by the Church.

The applicant proposes to operate a preschool for children ages 3 and 4 between the hours of 9:00 am to 12:00 pm. The request is for a maximum of 36 students but the applicant states that this maximum will most likely not be reached in the first year and the first year enrollment is estimated to be 16 students. School hours will be from 9:00 am to 12:00 pm., with child drop off and pick up 15 minutes before and after school hours. The school will operate on a similar schedule to City schools and will not be open during the summer but a short summer camp program may be offered each year. The school will have 2 teachers the first year depending upon the total enrollment and they will be State licensed. The classroom area in the lower portion of the Church will continue to use the same space for Sunday school when the school is not operating.

Dr. Gratz asked if the ally is designated as "one-way."

Mr. Ocel said it is not designated as one-way.

Dr. Gratz said that since it is not a one-way designation the possibility could arise that a vehicle could come off of George Street and Caroline Street at the same time.

Mr. Ocel said this is why staff has determined that the drop off and pick up must be on Princess Anne Street.

Mr. Rigual asked if any consideration has been given to making the ally a one-way designation.

Mr. Fawcett, Director of Public Works, said that when Market Square was redeveloped a gate was installed and has since been removed. He said the ally is not designed for public access and anticipates that a gate will be reinstalled on the Caroline Street access at some point.

Mr. McAfee said he is concerned with potentially "blocking" a public right-of-way.

Mr. Fawcett said the City owns the alley and that the Council voted to gate it instead of abandoning it.

Mr. McAfee asked if there is any alternative to loading and unloading the children instead of blocking a major roadway (Pr. Anne Street).

Mr. Fawcett said there are a number of reasons why this is the best option.

Mr. Ocel noted that the ARB recently approved an ice cream shop that also has a "walk-up" window located in the alley, so there are also pedestrians to be considered as a reason not to use the alley.

Mr. McAfee noted that he is aware that it is standard practice downtown to block one lane of Caroline or Princess Anne Street for such activity.

Mr. Lawrence asked if the school will be located in the basement of the church and, if so, whether it would be special needs accessible.

Reverend Dannals, Pastor, St. Georges Church, said that unfortunately they do not have wheelchair access in the proposed part of the facility for special needs individuals, although he said he wished they did.

Being no further comments, Mr. McAfee closed the public hearing on this item.

Mr. Rigual made a motion to recommend approval of the special use permit request with the conditions outlined in the staff report.

Ms. Spears seconded the motion.

Motion carried by a vote of 7 – 0.

- 6. SUP2010-09 – Friends of the Rappahannock:** Special Use Permit request to construct an outdoor education shelter within the 100-year floodplain on the property located at 3219 Fall Hill Avenue. The property is zoned R-4, Single-Family Residential and is designated as Preservation on the Future Land Use Map contained in the 2007 Comprehensive Plan.

Mr. Ocel presented the application. He said that Mr. John Tippet, Executive Director of the Friends of the Rappahannock is requesting a special use permit in order to construct an outdoor education shelter within a section of the 100-year floodplain boundary. The property is addressed as 3219 Fall Hill Avenue. The plan is to construct a second shelter that is a replica of the existing one that was constructed in 2001. The property is zoned R-4, Residential and is located within the 100-year floodplain overlay district.

The proposed shelter, as shown in the attached application is an open shelter with 14 posts holding up the roof structure. The shelter will be used for outdoor education programs for local school students and is being proposed to meet the growing demand for the applicant's education programs. Given the location of the shelter, it will not be visible from the river or any adjacent property.

The shelter will be operated by the applicant and be available for programmed uses from 9:00 am to 9:00 pm for programs being offered by the applicant. The shelter will not be open for public use.

There were no additional comments on this application.

Mr. McAfee closed the public hearing.

Dr. Gratz made a motion to recommend approval of the special use permit application with the condition outlined in the staff report.

Mr. Whelan seconded the motion.

Motion carried by a vote of 7 – 0.

OTHER BUSINESS

Planning Commissioner Comment

Mr. McAfee said he had sent an e-mail to Commissioners regarding “impact fees” analyses. He said that although not endorsing or debating the impact fee appropriateness, he said he believes it would be a good idea for the City to recommend to be included and that City Council should be asked to add to its Legislative Agenda for discussion.

Mr. Lawrence asked if the cost for “impact fees” would be filtered to the cost of the unit(s).

Mr. Ocel said he would think the cost would filter down to the eventual buyer.

Mr. McAfee said there is a narrow window to get this item onto the legislative agenda and asked for a voice vote as to whether the Commission believes the City should be considered and added to Article 15.2-2242 (c) 5 of the State Code, relating to transportation impact fees.

Dr. Gratz asked if it was an oversight that the City was left out. Mr. Ocel said he did not believe it had been done on purpose.

A voice vote was taken to ask City Council to add this to their legislative agenda: 6 Ayes; 0 Nays; Mr. Whelan abstained from the vote.

Planning Director Comment

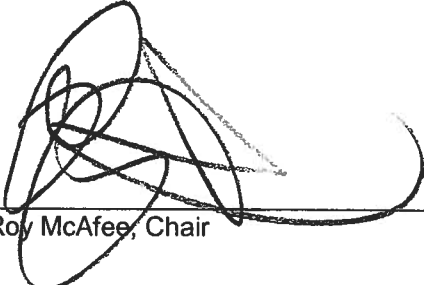
Mr. Ocel said that former Commission member, Vic Ramoneda, was recognized at the November 9th Council meeting for his service to the Planning Commission.

Mr. Ocel reminded Commissioners that there would be only one meeting in November and one in December. He said the December meeting will include the Fredericksburg Park Subdivision and possibly a special exception request for the hospital.

Mr. Ocel said that the Council retreat was held and that the Council came away with 8 goals and 80 initiatives. He said once he receives the list of these goals and initiatives that he would provide that list to Commission members.

ADJOURNMENT

Meeting adjourned at 9:15 p.m.



Roy McAfee, Chair



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Fredericksburg and Spotsylvania
National Military Park
120 Chatham Lane
Fredericksburg, Virginia 22405

Attachment "H"



November 10, 2010

City Planning Commission
715 Princess Anne Street
Fredericksburg, Virginia 22401

Dear Mr. McAfee and Commission Members:

In the 1890's the City of Fredericksburg first petitioned Congress for a national military park to be established in this area. That request was rejected, but the City fathers and mothers were undeterred and persevered. It took over 30 years, but in 1927 their efforts were crowned with success with the creation of Fredericksburg & Spotsylvania County National Military Park. Shortly thereafter, the first work was begun on the broad sweeping drives that serve as an entrance to Lee Drive.

The City has benefited greatly from the park. The park brings approximately \$50 million to the area each year. In addition, it offers recreation, education, and natural beauty. The City has supported the park in both its Comprehensive Plan and its Historic Preservation Plan. Both documents specifically address the Lee Drive entrance area:

The Comprehensive Plan states:

The Fredericksburg-Spotsylvania National Military Park has a major gateway on the east side of Lafayette Boulevard, opposite this parcel [the former Roper property] and a careful coordination with the National Park Service will be necessary when development plans are considered.

The Historic Preservation Plan says:

The park should be preserved in dignified settings that enhance the visitor experience, and park viewsheds should be maintained in order to promote understanding and appreciation of the stories the park has to tell.

The proposal before you runs counter to these and other statements regarding the park in each one of these documents. It impacts the view shed and degrades the visitor experience. There are also safety issues involved.

We have tried to be cooperative on the issue of access, but now realize that this problem has resulted from City decisions and that it's the City's responsibility to find a solution, one that does not impact its National Park.

Sincerely,

A handwritten signature in cursive script that reads "Russell P. Smith".

Russell P. Smith
Superintendent